

Serial No: 09/703,802

REMARKS

Claims 1-28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by USP No. 6,505,255 to Akatsu et al. ("Akatsu"). Applicants respectfully traverse this rejection for at least the following reasons.

In order to expedite prosecution, Applicants' representative initiated a personal interview with Examiner Kang so as to reduce issues. Applicants and Applicants' representative would like to thank Examiner Kang for his courtesy in conducting the interview and for his assistance in resolving issues. A summary of the interview discussion follows.

The Examiner relies on col. 7, line 21 – col. 8, line 2 of Akatsu as allegedly teaching a plurality of internal interface units. However, as discussed during the interview, the referenced portion of Akatsu corresponding to Figure 6 thereof discloses only a single internal interface unit (i.e., 1394 I/F 684). Indeed, Akatsu expressly distinguishes between a single *internal* interface with the disclosed plural *external* interfaces. In this regard, Akatsu is at best cumulative to the admitted prior art discussed in Applicants' specification with respect to the internal interface.

In response, the Examiner appeared to agree that Figure 6 discloses only a single internal interface, but alleged that Figure 8 of Akatsu disclosed plural internal interface units as an alternative embodiment to that shown in Figure 6. Specifically, the Examiner alleged that ATM driver 816 could be construed as a second internal interface unit. As a preliminary matter, it is respectfully submitted that Figure 8 is NOT an alternative embodiment of the interface for the internal network, but rather, illustrates the firmware used to run the particular gateway 504 shown in Figure 6 (*see, e.g.,* col. 4, lines 5-6). Accordingly, Figure 8

Serial No: 09/703,802

simply illustrates the details of the operating system for the gateway 504 shown as a broad schematic in Figure 6, and is NOT an alternative embodiment for the internal interface unit for connections to the internal network. As expressly stated at col. 9, lines 8-9, “the hardware 824 represents the physical layer, or lowest layer, *of the firmware stack 800*” (emphasis added) so that connections thereto from the ATM driver 816 are related to firmware operation rather than connections at the internal interface.

Indeed, Figure 8 discloses a firmware stack 800 employed by the home gateway 504 for supporting the operation of the 1394 I/F (see col. 8, lines 41+). The components making up the firmware stack 800, including the 1394 driver 820 and ATM driver 816, are operational elements *for the gateway* rather than an interface to the internal network. In this regard, the multiple wiring interconnections function as various transmission/ processing lines *configured to the same 1394 protocol*; in which the connected hardware 824, for example, merely represents an *internal* physical layer *of the firmware stack 800* rather than different connections at the single internal interface (col. 8, line 62 – col. 9, line 13). Indeed, Akatsu expressly discloses that the “1394 interface 684 acts as a bridge between the external network protocols and the IEEE 1394 compliant bus which forms the internal network [whereby] the 1394 I/F 684 supports an IP over 1394 link 612 and an MPEG over 1394 link 616 ...” (emphasis added; see col. 7, lines 63+).

In order to further clarify this distinction between the present invention and Akatsu, independent claims 1 and 12 have been amended to embody a second internal interface unit including a second type of physical layer, *which is different from said first type of physical layer* (included in the first internal interface unit), for connecting to the internal network. In

Serial No: 09/703,802

contrast, as expressly disclosed by Akatsu, the single internal interface 684 uses the same 1394 protocol for its respective connections to the internal network (Figure 6).

In this regard, it is respectfully submitted that only Applicants conceived the idea for having multiple interface units for an *internal* network whereby, for example, different protocols can be configured to communicate with one another (e.g., microwave <--> TV, etc.). On the other hand, the cited prior art has not considered any such cross-communication, and for at least this reason, the cited prior art has had no disclosed need or desire for multiple interface units for the *internal* network.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Akatsu does not anticipate claims 1 and 12, nor any claim dependent thereon.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 1 and 12 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Serial No: 09/703,802

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 102 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Certification of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Ramyar M. Farid
Type or print name of person signing certification
9/15/2005
Signature Date

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

for Michael E. Fogarty
Registration No. 36,139 #46,692

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 MEF:RMF
Facsimile: (202) 756-8087
Date: September 15, 2005